

REMARKS

I. **Status of the Claims**

Pending claims 1-6, 8, 10, 12, 14, 26, 28-32, and 47-75 have been rejected. Claim 76 is added herein.

II. **Rejections Under 35 U.S.C. § 102**

The Examiner has rejected claims 26, 28, and 30 under 35 U.S.C. § 102(a) "as being anticipated by 'Packers.com' and 'Packerfantours.com.'" See Office action at pages 2-3. Applicants respectfully traverse these rejections.

A rejection under § 102(a) is proper only if a cited prior art reference discloses, expressly or inherently, all limitations of the rejected claim.

Claim 26 is directed to a device that includes, among other things, means for receiving a transmission indicating that a portion of a content page has been selected by a consumer, wherein the content page is displayed by a second computer, wherein the second computer is operated by the consumer and is in communication with the first computer, and wherein the consumer's selection of the portion of the content page causes the first computer to transmit to the second computer for display by the second computer data indicative of a ground transportation service specifically provided for an event, wherein the ground transportation service includes *at least two predetermined and selectable routes to the event's location*. In addition, the device of claim 26 further includes means for receiving data descriptive of an order

for the ground transportation service, wherein *the order includes*, among other things, *identification of at least one of the routes*.

Applicants respectfully submit that the cited web-pages fail to disclose at least the aforementioned features of claim 26. In particular, the cited web-pages fail to disclose any predetermined and selectable route to a game – and certainly do not disclose receiving data descriptive of a ground transportation service that includes at least two such routes.

Furthermore, the cited web-pages do not disclose receiving data descriptive of an order – let alone an order that includes identification of at least one predetermined and selectable route.

The Examiner states that “route” means “where you are going.” See Office action at page 5. But Applicants respectfully note that a route includes both where one is going *and also* a departure location.

Claim 28 is directed to a device that includes, among other things, a processor configured to receive a transmission indicating that a portion of a content page has been selected by a consumer, wherein the content page is displayed on a computer operated by the consumer, wherein the computer is in communication with the device, and wherein the consumer’s selection of the portion of the content page causes the device to transmit to the computer for display by the computer data indicative of a ground transportation service that includes *at least two predetermined and selectable routes to an event location*. In addition, the processor recited in claim 28 is further configured to receive data descriptive of an order for the ground transportation service, wherein *the order includes identification of at least one of the routes*.

Applicants respectfully submit that the cited web-pages fail to disclose at least the aforementioned features of claim 28. As mentioned above, the cited web-pages fail to disclose a predetermined and selectable route to a game – and do not disclose receiving data descriptive of a ground transportation service that includes at least *two* such routes. The cited web-pages also fail to disclose receiving data descriptive of an order that includes identification of at least one route.

Claim 30 depends indirectly from claim 28.

For at least these reasons, Applicants submit that claims 26, 28, and 30 are not anticipated by the cited web-pages. Applicants thus respectfully ask that the rejection of claims 26, 28, and 30 under 35 U.S.C. § 102(a) be withdrawn, and that the pending claims be allowed.

III. Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-6, 8, 10, 12, 14, 29, 31, 32, and 47-75 under 35 U.S.C. § 103(a) “as being unpatentable over ‘Packers.com’ and ‘Packerfantours.com.’” See Office action at pages 3-7. Applicants respectfully traverse these rejections.

Claim 1 is directed to a method that includes, among other things, receiving, at a first computer a transmission indicating that a portion of a content page has been selected by a consumer, wherein the content page is displayed by a second computer, wherein the second computer is operated by the consumer and is in communication with the first computer, and wherein the consumer’s selection of the portion of the content page causes the first computer to transmit to the second computer for display by the second computer data indicative of a ground

transportation service specifically provided for an event, wherein the ground transportation service includes *at least two predetermined and selectable routes to the event's location*. In addition, the method of claim 1 includes receiving, at the first computer, data descriptive of *an order that includes identification of at least one of the routes*.

Applicants respectfully submit that the cited web-pages fail to disclose or suggest at least the aforementioned features of claim 1. For example, the cited web-pages fail to disclose or suggest any predetermined and selectable route to a game – let alone receiving data descriptive of a ground transportation service that includes at least two such routes. And the cited web-pages do not disclose or suggest receiving data descriptive of an order that includes identification of at least one route.

The Examiner makes reference to an “Order Now’ link.” See Office action at page 4. But there is no disclosure or suggestion that selection of that “link” either caused something to happen or, if something was to have happened upon selection of the “link,” that a computerized ordering process was made available (instead of, for example, simply displaying a screen with a telephone number to call to place an order). Indeed, the Office action at page 4 acknowledges that “[n]ot disclosed is that an order is received that indicates a route, the number of seats, and the event.” Nevertheless, the Examiner concludes that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made for an interested fan to use the ‘Order Now’ link to order transportation and that the order would specify the event

(what game do they want to go to), the number of seats desired (how many people) and the route (where are you going).” See Office action at pages 4-5.

Applicants respectfully submit that one of ordinary skill would not have been motivated to modify the features disclosed in the cited web-pages in order to achieve the method recited in claim 1. It is impermissible to engage in “hindsight reconstruction,” *i.e.*, using the recited invention as a guide, while combining or modifying teachings from prior art references. *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988). The Federal Circuit has instructed that “[e]ven when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference.” *In re Kotzab*, 217 F.3d 1365, 1369-1370 (Fed. Cir. 2000) (reversing the Board of Patent Appeal’s finding of obviousness). To prevent a hindsight-based obviousness analysis, the Federal Circuit provides the following guidance:

A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one “to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher.”

Id. To maintain the present rejections under § 103, it is the Examiner’s burden to demonstrate a teaching or motivation to modify the cited web-pages to obtain the method of claim 1.

The cited web-pages do not suggest that simply using the “‘Order Now’ link” would, for example, present a web-page that allowed entry of order parameters. And there is no reason to expect that selecting this “link” would have presented a web-page that allowed identification of a particular predetermined and selectable route from among at least two such routes. As noted above, a route includes more than just “where you are going.” Thus, Applicants respectfully submit that there is no motivation to modify the cited web-pages to obtain the method of claim 1.

Claims 2-6, 8, 10, 12, and 47-51 depend from claim 1, and are not obvious for the reasons discussed above.

Claim 14 is directed to a method that includes, among other things, receiving, at a first computer a transmission indicating that an event transportation identifier has been selected by a consumer, wherein the event transportation identifier is displayed by a second computer, wherein the second computer is operated by the consumer and is in communication with the first computer, and wherein the consumer’s selection of the event transportation identifier causes the first computer to transmit to the second computer for display by the second computer data indicative of a ground transportation service specifically provided for an event, wherein the ground transportation service includes *at least two predetermined and selectable routes to the event’s location*. In addition, the method of claim 14 includes receiving, at the first computer, data descriptive of an order that includes *identification of at least one of the routes*.

For reasons discussed above, Applicants respectfully submit that the cited web-pages do not disclose or suggest a method that includes at least the aforementioned features.

Claims 29 and 31 depend directly or indirectly from claim 28, and thus include all features of claim 28. As discussed above, Applicants submit that claim 28 is allowable. Accordingly, Applicants submit that claims 29 and 31 are also allowable.

Claim 32 is directed to a computer-readable storage medium encoded with processing instructions for implementing a method that includes, among other things, receiving, at a first computer, a transmission indicating that a portion of a content page has been selected by a consumer, wherein the content page is displayed by a second computer, wherein the second computer is operated by the consumer and is in communication with the first computer, and wherein the consumer's selection of the portion of the content page causes the first computer to transmit to the second computer for display by the second computer data indicative of a ground transportation service specifically provided for an event, wherein the ground transportation service includes *at least two predetermined and selectable routes to the event's location*. In addition, the processing instructions for implementing the method of claim 32 include instructions for receiving, at the first computer, data descriptive of an order that includes *identification of at least one of the routes*.

For reasons discussed above, Applicants respectfully submit that the cited web-pages do not disclose or suggest a computer-readable storage medium encoded with processing instructions for implementing a method that includes at least the aforementioned features.

Claim 52 is directed to a method that includes, among other things, receiving, at a first computer, a transmission indicating that a portion of a content page has been selected by a consumer, wherein the content page is displayed by a second computer, wherein the second computer is operated by the consumer and is in communication with the first computer, and wherein the consumer's selection of the portion of the content page causes the first computer to transmit to the second computer for display by the second computer data indicative of a ground transportation service specifically provided for a sporting event, wherein the ground transportation service includes *at least two predetermined and selectable routes to the event's location*. In addition, the method of claim 52 includes receiving, at the first computer, data descriptive of an order that includes *identification of at least one of the routes*.

For reasons discussed above, Applicants respectfully submit that the cited web-pages do not disclose or suggest a method that includes at least the aforementioned features.

Claims 53-59 depend from claim 52, and are not obvious for the reasons discussed above.

Claim 60 is directed to a method that includes, among other things, receiving, at a first computer, a transmission indicating that a portion of a content page has been selected by a consumer, wherein the content page is displayed by a second computer, wherein the second computer is operated by the consumer and is in communication with the first computer, and wherein the consumer's selection of the portion of the content page causes the first computer to transmit to the second computer for display by the second computer data indicative of a ground

transportation service specifically provided for a concert event, wherein the ground transportation service includes *at least two predetermined and selectable routes to a concert venue*. In addition, the method of claim 60 includes receiving, at the first computer, data descriptive of an order that includes *identification of at least one of the routes*.

For reasons discussed above, Applicants respectfully submit that the cited web-pages do not disclose or suggest a method that includes at least the aforementioned features.

Claims 61-67 depend from claim 60, and are not obvious for the reasons discussed above.

Claim 68 is directed to a method that includes, among other things, receiving, at a first computer, a transmission indicating that a portion of a content page has been selected by a consumer, wherein the content page is displayed by a second computer, wherein the second computer is operated by the consumer and is in communication with the first computer, and wherein the consumer's selection of the portion of the content page causes the first computer to transmit to the second computer for display by the second computer data indicative of a ground transportation service specifically provided for a theatrical event, wherein the ground transportation service includes *at least two predetermined and selectable routes to the event's location*. In addition, the method of claim 68 includes receiving, at the first computer, data descriptive of an order that includes *identification of at least one of the routes*.

For reasons discussed above, Applicants respectfully submit that the cited web-pages do not disclose or suggest a method that includes at least the aforementioned features.

Claims 69-75 depend from claim 68, and are not obvious for the reasons discussed above.

IV. Conclusion and Request for Reconsideration

Applicants respectfully request reconsideration and withdrawal of the pending rejections, and allowance of the pending claims. If a telephone interview would further prosecution of the application, the Examiner is invited to contact the undersigned.

V. Authorization

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 13-3250. **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 13-3250. This paragraph is intended to be a

CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with C.F.R. §

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Appl. No. 09/932,388
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Reply to Office action of June 29, 2005
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1.136(a)(3). Although this paper is believed to be timely filed, Applicants hereby petition for any necessary extension of time that may be required.

Respectfully submitted,

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By: _____



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